

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

14th December 2023

Application No:	SMD/2023/0240	
Location	Land off Tenford Lane, Upper Tean	
Proposal	Variation of Condition 1 of Reserved Matters approval SMD/2021/0491 for a residential development of up to 40 houses.	
Applicant	Markden Homes	
Agent	Hewitt and Carr Architects	
Parish/ward	Cheadle	Date registered: 12 th May 2023
If you have a question about this report please contact: Chris Johnston, tel: 01538 395400 ext. 4123, email: Christopher.johnston@staffsmoorlands.gov.uk		

REFERRAL

The application is before the committee because it involves a major development, the original outline and reserved matters applications for which were also decided at the committee.

1. SUMMARY OF RECOMMENDATION

APPROVE subject to Conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site comprises two adjoining fields on the north side of Tenford Lane, a road running along the north edge of the village with existing housing to the south, facing the road. The development boundary for Upper Tean runs along the road with the application site excluded and so the site is deemed as being within the “open countryside” but is not within the Green Belt. The land slopes upwards towards the north. A short distance to the north of the site there is a former quarry (Mobberley Quarry) much of which is wooded and within an SMDC Nature Conservation site and covered by a Tree Preservation Order (TPO). There is an adjoining open field to the east side of the site. To the west is a group of farm buildings, some of which were formerly used as a dog kennels. The south boundary of the site is marked by a long hedgerow and there are a number of mature trees on this boundary, six of which are protected by TPOs. There is a field access in the south-west corner of the site, off Tenford Lane. Although the site is on the edge of Upper Tean, it is within the Parish of Cheadle. The Parish boundary runs along Tenford Lane. Development has now commenced on site.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 This is a Variation of Condition planning application which seeks to vary Condition 1 of the Reserved Matters approval (SMD/2021/0491) which sets out all the drawing numbers and details which the approved development must be carried out in accordance with. The new applicant, Markden Homes, wants to make a number of changes to the development and therefore Condition 1 will need to be amended to refer to the new drawings numbers which show the changes to the approved development and which the development must be carried out in accordance with.

3.2 The most significant changes to the development applied for are as follows:

-The introduction of 2 new house types comprising 3-bed detached dormer bungalows ("Type F") and 2-bed detached bungalows ("Type G") on plots 31-40 (10 plots) which are the plots alongside Tenford Lane to the south of the new distributor road. These would replace some of the Type 1 4-bed detached two-storey dwellinghouses and also some of the Type 2 narrower 3-bed detached two-storey dwellinghouses (with second floor dormers) and some of the Type 3 L-shaped detached 3 -bed two-storey dwellinghouses. The new bungalows and dormer bungalows added to plots 32 and 40 would have raised rear timber deckings/outdoor seating areas.

-Changes to the ground levels particularly around the distributor road and to the south of it.

-The removal of one of the three drainage basins (on the north side of the distributor road) and associated changes to the drainage strategy and soakaway design and additional swales.

3.3 More minor changes are as follows:

-The relocation of plot 38 to the west.

-Reallocation of the land between plots 38 and 37 as public open space.

-Introduction of an attached garage on house type A, replacing the detached garages.

-Removal of one of the two dormers on house type B.

-Rearrangement of plots 13, 14 and 17.

-One of the Affordable units has been moved from plot 36 to 24.

-House Type 3 renamed House Type C

-House Type 4 renamed House Type D.

-House Type 5 renamed House Type E

-Additional tree/shrub planting in the landscaping drawings

3.4 Additional changes were made soon after the application was submitted as follows:

-The roof pitches on House types A,C,D,E,F & G have been dropped from 35 degrees to 30.

- House types B & C have changed from 3 beds to 4 Beds
- Some bungalows have been handed to facilitate vehicular access.
- Plots 18 and 23 & 24 have been swapped around.
- Addition of an ensuite above the porch on House Type C.
- Driveway and parking area alterations on plots 2 – 5, 7, 8, 12 to 15 and 26. .
- The 2 roads to the north of the site have been made private.

3.5 Further changes were made on 25th July 2023 as follows:

- Plot 9 dwelling moved back slightly into its plot to avoid a 45 degree line from a rear window of the neighbouring plot in line with the Council's Space About Dwellings SPG.
- The dwellings on Plots 6 and 7 moved back slightly to achieve a distance of 22m between the front walls of those dwellings and the dwellings opposite in line with the Council's Space About Dwellings SPG.
- House Types B and C reverted back from 4-bed dwellings to 3-bed dwellings as shown on a table of accommodation on the latest amended site plan (but with no amended elevation or layout drawings of those house types).

3.6 The agent has since stated the accommodation table on the site plan was an error and that all the Type B and all but one of the Type C dwellings would be 4-bed and not 3-bed. The finalised range of accommodation offered is now as follows:

PREVIOUSLY APPROVED

Type A (4 bed): 11no. units
 B (3 bed): 8
 C (3 bed): 9 (inc one affordable unit)
 D (2 bed semi's): 8 (all affordable but two in shared ownership)
 E (3 bed semi's): 4 (all affordable)

Total: 4-bed dwellings = 11no. 3-bed dwellings = 21no. 2- bed dwellings = 8

NOW PROPOSED

Type A (4 bed): 9no. units
 B (4 bed): 4
 C (4 bed): 5 (inc one affordable unit which is 3-bed)
 D (2 bed semi's) 8 (all affordable but two in shared ownership)
 E (3 bed semi's): 4 (all affordable)
 F (3 bed dormer) 4
 G (2 bed bungalow) 6

Total: 4-bed dwellings = 17 3 bed dwellings = 9 2 bed dwellings = 14

3.7 Also on 25th July and 26th July, additional sectional drawings and other drawings to show the proposed ground levels and the ground levels and roof ridge heights of dwellings was received for clarification purposes only.

3.8 The reasons for the levels changes is given by the applicant's agent as follows:

“The level changes have come about due to construction practicalities, for example a couple of the manholes of the approved drainage scheme are between 5.5m & 6m deep, while this would technically be possible to achieve it is not particularly practical to have such a deep manhole.

As drainage runs under the road, picking the road up allows picking up of the drainage run which in turn reduces the depth of the manholes.”

3.9 There have been several amendments to the drainage scheme as requested by the local flood authority (Staffordshire County Council).

3.10 On 1st November 2023, the case officer asked the agent for further amendments:

1. The reversion of the roof slope angles from 30 degrees back to 35 degrees for design reasons.
2. Amendments to the parking areas for plots 2-5, 13-15, 7, 8, 12 and 26.
3. Improvement to the turning area for Plot 30 as requested by SCC local highways authority (despite this being previously approved).
4. Further alterations to the design of the soakaways (as requested by SCC as local flood authority).
5. Elevations drawings for the Type B and C dwellings to reflect the change from 4-bed back to 3-bed units.

3.11 The plans were subsequently amended as follows:

1. Roof slopes steepened back to 35 degrees for House Types A to E only
2. Plot 30 turning area improved

3.12 The parking areas were not amended and the reasons for this are given further on in the report. The elevation drawings for Type B and C were not amended as these were to remain as 4-bed units and the current elevation drawings reflected this. No amendments were received to the soakaway design. The applicant's drainage consultants instead provided further information regarding ground levels in relation to the ground water table in order to demonstrate that no further alterations were required.

3.13 The plot 27 dwelling was slightly moved back away from the road to provide a driveway length in accordance with the Council parking standards for a 4-bed house.

3.14 Development commenced on site in the summer of this year with works to construct a number of dwellings commencing in September. Plots 6 to 9, the first plots reached along the north side of the distributor road, are at a very advanced stage of construction. Works have also commenced on several other plots with foundations complete and some brickwork added.

3.15 Following and Enforcement investigation it has been established that the works to date are not in accordance with the current approvals and are therefore unauthorised but do reflect the scheme applied for in this new application. This new

application is therefore a “Part-Retrospective” planning application that seeks to regularise the works to date as well as approve the amendments to the rest of the development not carried out. More information on the works carried out so far is given further on in the report. Following the Enforcement investigation the Developer has volunteered to cease works on site pending the outcome of this application.

3.16 Details of the application including the plans, drawings, reports, consultation responses and letters received from local residents can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=170445>

4 RELEVANT PLANNING HISTORY

SMD/2016/0200	Outline planning application for residential development of up to 49 houses with all matters reserved except for access. Refused.
SMD/2016/0811	Outline planning application with some matters reserved (except access) for a residential development of up to 40 houses (resubmission of SMD/2016/0200). Outline permission granted on 2.8.18.
SMD/2021/0491	Reserved Matters application for 40 dwellings. Approved on 17.2.23.
DOC/2023/0018	Discharge of Condition application for Conditions 2, 5 and 8 of the Reserved Matters approval. Approved on 16.6.23.
DOC/2023/0023	Discharge of Condition application for conditions attached to the outline approval. Part discharged on 6.6.23.
NMA/2023/0020	Non material amendment application to vary Condition 1 of the Reserved Matters approval SMD/2021/0491 to refer to changes in building materials including bricks and tiles. Approved 19.10.23.
SMD/2023/0423	Full planning application for 87no. dwellings. Pending.
NMA/2023/0030	Non Material Amendment application vary Condition 10 of the Reserved Matters approval to make it in line with changes to the drainage scheme applied for under SMD/2023/0240. Pending.

5 PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

5.1 The Development Plan comprises the Local Plan Development Document (adopted September 2020).

5.2 The following Local Plan policies are relevant to the application:

- SS1 Development Principles
- SS8 Larger Villages Strategy
- SS10 Other Rural Areas Strategy
- H1 New Housing Development
- H3 Affordable Housing
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodlands and Hedgerows
- T1 Development and Sustainable Transport

National Planning Policy Framework (NPPF) (Revised Sep 2023)

5.3 The following chapters of the NPPF are particularly relevant to this application:

- 5: Delivering a wide choice of high quality homes
- 12: Achieving well-designed places
- 15: Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD's) and Guidance (SPG's)

Council's Design Guide (February 2018) SPD
Council's Space About Dwellings SPG

6 CONSULTATIONS

6.1 Neighbour letters were sent out following the validation of the application in May 2023 and again on 26.7.23 to consult on amended plans. In addition, a site notice was put up on Tenford Lane on 13.6.23. Due to the application being for a Major Development, a newspaper advert was posted in the Cheadle Tean Times on 31.5.23.

Public response to consultation

6.2 Letters have been received from four local residents raising the following concerns:

- Noise and disturbance from construction works and vibration
- Damage to personal property caused by the works
- Overlooking from the new house types next to Tenford Lane and changes to ground levels including new raised decking areas

6.3 One of the letters questions how the changes applied for can be undertaken if works have already commenced.

Cheadle Town Council

6.4 The Application for this Variation was supported in principle, however Councillors agreed an observation in respect of the fitting of dormer windows in a number of bungalows, and their potential intrusion overlooking existing dwellings.

Checkley Parish Council

6.5 No comments received

SCC Highway Authority

6.6 In response to the original submission – May 2023

House type A now has a garage. It is not dimensioned on the drawing but scales at 5.9m long x 3m wide. To count as a parking space, garage should be 6m x 3m. Not quite policy compliant.

House types A, B and C are 4 bedroom dwellings. All require 3 parking spaces. With the garage issue, this is not quite the case for any plot of house type A apart from Plot 10 which can provide 3 driveway spaces.

House type B - plot 16 shows 3 vehicles parked, but the driveway is only 14m long (scaled). Parking space should be 2.4m wide x 4.8m long. To accommodate 3 vehicles, driveway should be 14.4m long - driveway is not quite policy compliant.

House type C - Plots 18 and 27 have driveways which scale at 14m whereas 14.4m is required.

Plot 30 will be difficult for a vehicle to reverse out of or into as the road ends in line with the driveway.

House type F also has a garage, but in no case is it required to comply with parking standards.

I note two of the roads are now to remain private. These will still require technical approval under S7 Staffordshire Act.

Proposal is close to being acceptable, but not quite.

6.7 In response to July 2023 amendments

Garage to house type A is now dimensioned at 6m long x 3.275m wide.

Plot 16 drive now scales at 15m

Plot 18 drive scales at 14.1m, slightly short Plot 27 drive scales at 14.2m, slightly short

Manoeuvring into/out of plot 30 will still be difficult. This problem would be better designed out at this stage.

SMDC Environmental Health

6.8 No objection to the application subject to retention of all Environmental Health conditions in original permission smd/2023/0240.

SMDC Trees and Landscape Officer

6.9 *The proposed amendments would introduce some minor layout changes. In particular, Plots 38/39/40 would now introduce these 3 plots in place of the previously approved 2 plots (39 & 40), and the greater number of dwellings now proposed in this location combined with their deeper building footprint would result in closer proximity to the existing mature trees to the rear in the Tenford Lane hedgerow. In addition, further along this side of the development there are similar minor layout changes and deeper unit footprints again now proposed, again these would bring rear elevations closer to the existing mature trees.*

Ideally, this would be avoided as it would potentially increase future pressure for pruning/lopping or even felling of trees once the units are occupied, particularly as these are large-species trees (Oak) situated at the southern aspect of these plots therefore shade and overbearing impacts will be more significant direct effects on the gardens and main rear outlook from principal habitable rooms within the houses. However, the proposed amendments would still demonstrably keep the building footprints comfortably outside the Root Protection Areas of these trees, and although proximity to tree crowns would be reduced there would still be 5 – 8m clearance, at closest, beyond the outer edge of existing lateral crown spreads, and it is considered that this reduction in clearance from trees is not sufficient to object to or direct refusal of this variation of condition application.

The majority of these trees are protected by TPO; the existing planning permission SMD/2021/0491 and the variation of condition approval (if granted) would not authorise any work to the protected trees. The developer, and occupiers, would need to be aware that the planning authority would not necessarily consider it appropriate to grant consent for work to the protected trees which would be detrimental to their significance/amenity value, following future applications for reasons of dealing with shading, overbearing impact on outlook, unjustified concerns over tree safety etc.

By way of balance, it is also noted that in other places the clearance of dwellings from these trees would be increased under the proposed minor layout/housetype amendments (eg Plot 37 dwelling now proposed significantly further from the north-east side of Tree #56 than Plot 38 dwelling was previously approved), and that is obviously a good thing with regard to relationship with the trees.

There are some minor amendments to the landscaping scheme arising as a result of these variation of condition application proposals (eg a few more individual trees now proposed, slightly fewer shrubs now proposed) but this is of no material significance.

I have no objection to this application. No amended or additional conditions are requested.

SCC Flood Team

6.10 In response to the original submission – May 2023

We do not recommend that planning permission is granted until the following issues have been resolved.

- The new landscaping plan (1 of 2) Rev C does not show the swales which is in breach of Condition 10 of SMD/2021/0491 Point E.*
- The new site plans do not include swales which is in breach of Condition 10 of SMD/2021/0491 Point E.*
- The levels plan shows slopes towards properties which is in breach of Condition 10 of SMD/2021/0491 Point J.*

We would also note that if named plans within Condition 10 of SMD/2021/0491 are to change, that the applicant may need to apply to the LPA to amend the wording of this condition.

6.11 In response to the 25th and 26th July Amended Plans which include details of grounds levels changes

The flood authority requests an “Exceedance Plan/Strategy” to go with the levels changes and revised Impermeable Area plan for the layout changes. The landscaping plan does not show the approved swales required by Condition 10 of the Reserved Matters application.

6.12 Comments dated 27.9.23

The flood authority requests further details of soakaways, exceedance and calculations for the flood basins.

6.13 Comments dated 16.10.23

Further details of soakaways design requested.

6.14 Latest comments – dated 30.10.23

We have provided comments on the variation of Condition 1 of SMD/2021/0491 relating to flood risk and drainage and do not recommend that planning permission is granted until the following issues have been resolved. Outstanding issues with the drainage details are listed below.

LPA

We require an application to vary Condition 10 as the new strategy no longer reflects the original wording of Condition 10. In addition, the details presented in this application to vary Condition 1 require additional drainage conditions to be added in addition to the amendments to the plans referenced in the text. This is essential to ensure the drainage strategy will operate effectively over the lifetime of the development.

SOAKAWAYS

Thank you for providing additional boreholes around WS05.

The soakaways are going to have issues with the areas of groundwater identified e.g. Plot 16 is closest to WS06 which encountered groundwater at 1.6m below the surface. The SUDS Manual states that groundwater should be 1.2m below the depth of the soakaway. Given the crates are 1.6m deep this will not be the case. Please can you amend soakaway designs in the areas adjacent to the groundwater strikes in order to conform with this requirement.

6.15 The final comments dated 15.11.23 in response to further information of ground levels in relation to the ground water table:

We have reviewed the most recent response from the applicant and now are able to remove our objections.

SMDC Regeneration/Affordable Housing

6.16 The applicant is seeking as part of their application to vary the location of 4 affordable units. It is my understating that all other matters including property mix and size of the affordable dwellings remain unchanged as per SMD/2021/0491. The revised location is acceptable

SCC Minerals and Waste

6.17 "No comments to make"

AES Waste

6.18 No issues regarding waste collections.

Staffordshire Police Crime Prevention Design Advisor

6.19 None of the changes appear to have any obvious adverse implications for crime, disorder or anti-social behaviour. The applicant is directed to comments previously submitted in relation to this development, The design and layout of the development is deemed to be safe and further crime prevention measures are advised.

7 OFFICER COMMENT AND PLANNING BALANCE

Principle of development

7.1 The previous consents have established the acceptability in principle of a residential development on this site. This application does not represent an opportunity to revisit that principle. The main issues relate to the impact on the proposed changes to the approved plans on:

- The character and appearance of the area
- The residential amenities of the area
- Flood risk
- Highway safety

Housing mix

7.3 The proposed changes are considered to result in an acceptable dwelling mix as although there is an increase in 4-bed units, the number of smaller 2-bed units and bungalows on offer which are especially in demand has also increased. There is also now a larger range of dwelling types/designs to add interest and variety to the development but without affecting the overall character of the development and “sense of place”.

7.3 The affordable housing provision has not changed and the locations of affordable units also remain acceptable and are sufficiently well integrated into the development.

The impact on the character and appearance of the area

7.4 The proposals under this application would result in the raising of the ground levels around the main distributor road and towards Tenford Lane including the ground areas where the dwellings alongside Tenford Lane would be built. However, the west part of the housing development, around the first cul-de-sac of five houses, would have also have some of the larger ground level increases with the top plot up the slope closest to the north edge of the site being over 2m from that approved. Elsewhere, there is a generally bigger rise nearer the bottom of the site and a flattening out nearer the top where the ground level increases are less and some plots at the top are on lower levels than approved. The ground levels changes from those approved are also less pronounced going further east, with some of the plots on the east cul-de-sac proposed to be built on lower ground. With regard to the plots at an advanced stage of construction, Plots 6,7,8 and 9, these are being built between 1.3m and 1.35m higher than approved.

7.5 The proposed ground level changes of each plot in relation to those approved, are given below. Most of the plots would be higher than that approved, with seven of the plots proposed to be lower and two which would remain the same.

Measurements in metres AOD taken from the nearest point given to the house footprint:

(under SMD 2023 0240)

Cul de sac 1 from top to bottom:

<i>Plot no.</i>	<i>APPROVED</i>	<i>PROPOSED</i>	<i>CHANGE</i>
<i>1 this row)</i>	<i>165.275</i>	<i>167.45</i>	<i>2.175m (biggest change on</i>
<i>2</i>	<i>164.375</i>	<i>166.45</i>	<i>2.07m increase</i>
<i>3</i>	<i>164.375</i>	<i>166.45</i>	<i>2.075m increase</i>
<i>4</i>	<i>163.475</i>	<i>165.15</i>	<i>1.67m increase</i>
<i>5</i>	<i>163.475</i>	<i>165.15</i>	<i>1.675m increase</i>

North of distributor road from west to east:

Plot no.	APPROVED	PROPOSED	CHANGE
6	161.30	162.65	1.35m increase
7	162.0	163.3	1.33m increase
8	162.6	163.9	1.3m increase
9	163.05	164.65	1.60m increase (biggest change on this row)

Cul de sac 2 - west side from bottom to top:

Plot no.	APPROVED	PROPOSED	CHANGE
10	165.5	166.85	1.35m increase (biggest change on this row)
11	167.05	167.85	0.8 m increase
12	168.10	168.55	0.45 m increase
13	169.35	168.60	DECREASE
14	170.18	168.60	DECREASE
15	170.0	169.95	DECREASE
16	171.82	170.25	DECREASE
17	171.77	170.55	DECREASE

Cul de sac 2 – east side from top to bottom:

Plot no.	APPROVED	PROPOSED	CHANGE
18	171.70	171.25	DECREASE
19	171.70	171.25	DECREASE
20	170.85	171.25	0.4 m increase
21	170.85	170.55	DECREASE
22	169.475	169.75	0.2 m increase
23	169.475	169.75	0.275 m increase
24	168.45	169.15	0.7m increase (biggest change on this row)

Cul de sac 3 from top to bottom:

Plot no.	APPROVED	PROPOSED	CHANGE
25	171.55	172.30	0.75m increase (biggest change on this row)
26	170.65	171.15	0.5 m increase
27	169.75	169.75	SAME

East end of distributor road (north side) from west to east:

Plot no.	APPROVED	PROPOSED	CHANGE
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28	167.30	167.50	0.2m increase (biggest change)
29	167.30	167.40	0.1m increase
30 1	67.30	167.30	SAME

South side of distributor road from east to west (2 storey dwellings swapped with bungalows and dormer bungalows):

Plot no.	APPROVED	PROPOSED	CHANGE
31	166.45	167.15	0.7 m increase
32	166.30	166.85	0.55 m increase
33	166.35	166.70	0.35 m increase
34	166.35	166.55	0.2 m increase
35	166.35	166.55	0.2 m increase
36	166.20	166.25	0.05 m increase
37	164.475	165.55	1.1m (biggest change on this row)

Approved plot 38:	164.200	No dwelling proposed for this location
Approved plot 39:	161.45	Proposed Plot 38 in similar location 162.65
		Proposed new plot 39: 161.60
40:	160.35	161.10

7.6 The ground level rises closer to Tenford Lane would have the potential to increase the prominence of the development when viewed from the lane. However, the lane frontage hedgerows and trees would be unaffected as the land will only start to rise behind these. Furthermore, the two-storey dwellings immediately to the north of Tenford Lane will be replaced by bungalows and dormer bungalows of significantly less height than the previous approved dwellinghouses. Whilst the ground levels will be raised here, the roof ridge heights above the level of Tenford Lane will in fact be reduced to below the ridge height level of the previous approved dwellings above Tenford Lane and therefore the overall visual impact of the development when travelling along Tenford Lane or from the properties on the opposite side of the road will be no greater.

7.7 The plots at an advanced stage of construction which appear to be at roof height are 1.3m to 1.35m higher than approved. These are located to the north of the distributor road and views of these houses from Tenford Lane would be largely blocked by the proposed dwellings to the south of the distributor road next to the lane. The biggest levels changes are the west cul-de-sac plots which would also be largely obscured from view by the dwellings along the south boundary (despite the drop in roof ridge heights by virtue of them being switched to bungalows or dormer bungalows). Regarding views from the east of the site, the levels changes in the east part of the development are insignificant and the raised houses in the west part of the site would still be largely screened. It is also noted that a number of plots are now proposed at lower ground levels than previously.

7.8 Overall, despite the significant levels changes in some parts of the site, this would not amount to a harmfully prominent form of development in relation to what was approved or to the extent that the overall character and appearance of the area is harmed.

7.9 The design of the new bungalows and dormer bungalow, the new house types F and G, is acceptable and respects the “design code” of the rest of the development in terms of building style and design, with similar roof profiles and fenestration and the same materials as those approved.

7.10 All other changes outlined above in Section 3 of the report are not objectionable in terms of design and appearance. However, it is considered that the steeper 35 degree pitch of the roof slopes is preferable in design terms than the lower 30 degree pitch and more in line with traditional vernacular styles of roof in the area and the Council’s Design Guide and the applicants have been requested to revert to the steeper pitch. Drawings have now been received showing the steeper pitches for house types A, B, C, D and E. The new house types, F and G, remain with the lower 30 degree roof pitches but as these are the bungalows and dormer bungalows, it is considered the lower pitch of roof would give a better proportional design to those dwellings and prevent them from appearing “top heavy.”

7.11 More trees and shrubs have been added to the public open spaces although this would not lead to a significant change to the landscaping scheme. It is noted that some of the dwellings would now be closer to the root protection zones of the some of the trees but still not considered to lead to their harm. It is also noted some of the dwelling footprints would have increased distances from the trees to “balance this out”.

7.12 Many of the plots, particularly on the short cul-de-sacs, are shown to have wide double-width parking areas taking up a large amount of the plot frontages, instead of previously approved single-width driveways which helped to maximise green frontages for the plots (i.e. more visible front garden area). It was requested that those parking areas be altered to increase the amount of green frontage. However, the reason for those changes was because the long single-car width driveways would have resulted in the need for long retaining walls along the driveway edges due to the south to north upward slope of the land. It is considered that the increased amount of retaining walls would be worse in appearance terms than the wider parking arrangements despite the loss of green frontage for some of those plots and the plans have not been amended in this respect despite the request.

7.13 Overall, it is considered the amendments to the scheme would not harm the appearance of the development and would remain respectful of the character and appearance of the area and would therefore comply with Policy DC1.

The Impact on Residential Amenity

7.14 Local Plan policy DC1 and paragraph 130(f) of the NPPF (2021) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

7.15 Policy H1 of the Local Plan (2020) seeks to ensure that all new dwellings must be of sufficient size to provide satisfactory levels of amenity for future occupiers of the dwellings whilst respecting the privacy and amenity of occupiers of existing dwellings; and that all new dwellings should aim to provide flexible accommodation which is capable of future adaptation by seeking to achieve adequate internal space for the intended number of occupants in accordance with the Nationally Described Space Standards.

7.16 The Space About Dwellings SPG outlines separation distances between dwellings, both proposed and existing, and details the minimum garden size for dwellings in order to provide a sufficient level of private amenity space.

Amenity of Existing Residents

7.17 The SPG requires minimum distances of 24.4 metres between rear elevations of houses and facing principal windows of other houses in the case of one of the houses being a 2-bed property (this is reduced to 22.0m in the case of both houses having three or more bedrooms). The plans have been amended to include some 2-bed units alongside Tenford Lane. The sitings of new dwellings between the distributor road and Tenford Lane is generally the same as that approved in terms of distances from Tenford Lane. However, raised timber outdoor decking areas have been added. These would be no higher than the ground floor level of the dwellings. Minimum distances of at least 29 metres have been achieved between the rear edges of the raised decking areas and the front windows of the existing dwellings on the other side of Tenford Lane which is still well in excess of the standards and takes account of the increase ground levels in line with the Council's Supplementary Planning Guidance..

7.18 It is recognised that the proposed changes in levels would result in the ground floor levels of dwellings to the south of the distributor road being raised. According to the sectional drawings and levels information and drawings provided, the ground levels around the dwellings to the south of the distributor road would be raised between 0.8m and 1.2m and therefore the approved ground floors of the approved dwellings raised by the same amount. However, as the dwellings here have been changed from two-storey dwellings to bungalows and dormer bungalows, the rear windows and decking areas of the bungalows and ground floors of the dormer bungalows would be at a lower level than the upper windows of the previous approved two-storey houses. The now proposed upper dormer windows would not be higher above Tenford Lane than the upper windows of the previously approved two-storey dwellings. The sectional drawings also show that the new roof ridge heights of the bungalows and dormer bungalows above the Tenford Lane level would be between 1.0 and 1.8m lower than the previous approved roof ridge levels (this is on the basis of a 30 degree roof pitch which is lower than the two-storey house types). It is therefore considered that the amended scheme would not lead to a worse degree of overlooking into the existing Tenford Lane properties and the development would also appear less overbearing from those properties than the previous approved scheme

7.19 It is noted that the Plot 30 dwelling in the south-east corner of the site, the closest new dwelling to Tenford Lane, would remain as a two-storey dwellinghouse

and has not been swapped with a bungalow or dormer bungalow. However, according to the spot levels drawing, this dwelling would not have a higher ground floor levels than that previously approved and so the impact on existing Tenford Lane residents would be no different.

7.20 With regard to the plots 6,7,8 and 9 houses which appear to have been already built up to roof height and with ground levels of between 1.3m and 1.35m higher than that approved, this would not introduce a significantly harmful greater level of dominance or overlooking affecting the existing residents of Tenford Lane as those dwellings are set back closer to the middle of the site to the other side of the distributor road and there would still be a row of new dwellings alongside Tenford Lane to the south side of the distributor road, which would still largely screen those new dwellings. Two of the new houses would face a green gap to the south (Plots 8 and 9). However, the distance between the front elevations of those dwellings and the facing elevations of the Tenford Lane houses opposite would be at least 65m and it is considered this is still a sufficient distance away despite the levels increase and there is tree screening along the south boundary.

Amenity of Future Occupiers

7.21 The SPG requires minimum distances of 22.0m between opposing front elevations. This has been achieved for all proposed dwellings in the amended layout plans and there is therefore no concern over privacy levels for the new residents.

7.22 Although rows of dwellings would be placed in a slightly staggered formation to avoid too much of a uniform appearance of development, the 45 degree lines measured from main windows at the front and rear of the proposed houses would not be broken by neighbouring development and this is sufficient to allow adequate light into those new houses. This accords with the SPG.

7.23 With regard to private amenity space (in this case, rear gardens), the SPG requires mean lengths of 11.0 metres and minimum overall garden sizes of 65 sq.m, or 85 sq.m in the case of the 2-bed units. All of the rear gardens would exceed the size threshold. Two of the gardens (Plots 7 and 8) would not reach mean lengths of 11.0 metres but are sufficiently wide to compensate for this. Overall, it is considered that each dwelling would have sufficient private garden space in the interests of the residential amenities of the residents.

7.24 All of the dwellings would meet the standards for internal space provided in accordance with the governments Nationally Described Space Standards and would therefore allow the future occupants satisfactory living conditions. This includes the two new house types, the Type F and G bungalows and dormer bungalows which would exceed the floorspace standards for 2-bed and 3-bed dwellings.

7.25 Overall, it is considered the amendments to the development under this new application, despite the raise in ground levels, would not harm the existing or future residential amenities of the area and would remain compliant with Policy DC1.

Impact on Highway Safety

7.26 There is no objection to the proposed amendments from the local highways authority although some of the amended driveways were slightly short of the driveway length standards but have now been altered accordingly. The turning area for Plot 30 has been improved from that previously approved via the slight lengthening of the end of the distributor road as shown on amended plans received on 6.11.23. The amended proposal would remain compliant with Policy T1 of the Local Plan.

Impact on Flood Risk

7.27 The changes to the drainage strategy which include the removal of one of the drainage basins and alterations to soakaways, on the basis of further amendments, calculations and exceedance plans, would not have an impact on flood risk. The lead local flood authority (Staffs County Council - LLFA) requested a further alteration to part of the soakaway strategy to ensure groundwater would be 1.2m below ground levels and not 1.6m, requiring that the soakaway crates would need to be shortened. However, the applicant's drainage consultant gave more details of ground levels in relation to the ground water table and as a result the LLFA has now accepted the drainage strategy without further soakaways alterations. No objection is raised by LLFA and the amendments to the housing development are not considered to lead to any flooding problems.

7.28 The changes to the general strategy are not entirely in line with the requirements of Condition 10 of the Reserved Matters approval which requires amongst other things, three drainage basins (the changes have led to this being reduced to two) and swales required before provision of discharge into the basins, which are not shown on the amended drawings submitted with this application. The flood authority do not appear to object to the amended drainage strategy due to the basins and the requirements of the condition can be altered via the submission of a Non Material Amendment application to change the wording of the condition. This has been submitted (ref: NMA/2023/0030) and the local flood authority (SCC) have been consulted on this. It is possible that the NMA application could be approved by the time of the Committee meeting.

Construction Works Undertaken at the Site

7.29 Works commenced in September and plots 6 to 9 are at an advanced stage, up to roof level. There are eighteen other plots in the same part of the site where construction has commenced and some with brickwork added. An independent surveyor appointed by the Council has visited the site and found that the ground levels of the commenced plots are not in accordance with the approved plans (under SMD/2021/0491 Reserved Matters approval) and therefore the works are unauthorised. They are however in general accordance with the plans put forward with this new application with any differences being no more than 6cm (i.e. one course of bricks) from what has been submitted with this new application. This is regarded as being within reasonable tolerance.

7.30 As works had commenced before the decision was made on this new application and are hence unauthorised this new application becomes a part-retrospective application. This has been brought to the attention of the developers

and they have requested they be allowed to continue with works to plots 1, 2, 3, 4, 5 and 10 to make the dwellings weather tight which includes completing the roof covering and fixing of windows, in order to prevent unrepairable damage to the timber frame kits after which they have agreed to cease any works pending the outcome of the current application.

7.31 The developer has confirmed that all works on site which do not accord with the extant approval have now ceased.

7.32 Members are reminded that although the development that has taken place on site does not accord with the approved plans and is therefore unauthorised, to decide solely on the planning-related merits of the plans put forward under this new application. The fact that the application is part-retrospective is not a material planning consideration and is not a reason for either granting or refusing planning permission. The application must be judged on its own individual merits as a fresh proposal having regard to the “fall-back” position of the extant consent.

Planning Balance & Conclusions

7.33 It is considered that the amendments to the development applied for under this new Variation of Condition planning application would not harm the visual or residential amenities of the area, highway safety or the environment in general and the amended development would remain compliant with the Local Plan and NPPF. It is therefore recommended that Condition 1 of the Reserved Matters approval can be varied accordingly with the inclusion of the new drawings.

7.34 Although some of the works had commenced on site and which were not in accordance with the previous approved Reserved Matters drawings in terms of ground levels and that this new application is therefore a part-retrospective planning application, this does not alter the fact that the proposed amendments put forward are considered to be acceptable in terms of their impacts. Furthermore, the developer has confirmed that all works have now ceased on site pending the final decision at Committee.

8 RECOMMENDATION

A. The application should be APPROVED subject to the following conditions:

1. The development hereby permitted including the landscaping of the site shall be carried out in accordance with the following amended approved plans:

- PL(0)02 House Type A Rev D**
- PL(0)03 House Type B Rev A**
- PL(0)04 House Type C Rev B**
- PL(0)05 House Type D Rev D**
- PL(0)06 House Type E Rev D**
- PL(0)07 House Type F Rev A**
- PL(0)08 House Type G Rev A**
- PL(0)09 Site Sections Rev A**

- PL(0)10 Affordable Housing Layout Rev B
- PL(0)11 Site Plan Rev F dated 8.11.23
- PL(0)12 House Type C1
- K22 001 003 Levels Rev H
- LDS517(E) LS Landscaping Scheme
- LDS51701 Rev F Landscaping Scheme
- LDS51702 Rev E Landscaping Scheme
- K22 001 010 Rev E Long Sections Road
- K22 001 301 Impermeable Areas Plan
- K22 001 302 Drainage Strategy Rev D
- K22 001 303 Flood Exceedence Plan
- K22 001 304 Basin Sections
- K22 001 305 Rev B SuDS Maintenance Plan
- Basin 1 received 19.9.23
- Basin 2 received 19.9.23
- 00438 Materials Schedule Rev C with the use of Ibstock Audley Red Mixture A3022A and Ibstock Betley Cottage Blend A3058A bricks.
- AL(0)26 Revision C Brick Distribution

2. The landscaping of the site shall be undertaken before any part of the development is brought into use and in accordance with the written specifications of the plants including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, planting sizes and proposed numbers/densities and also implementation timetables to be submitted to and approved in writing by the local planning authority.

Reason:-

To ensure the appropriate landscape design and in the interests of the visual and residential amenities of the area.

3. The planting scheme shown on Landscape Design Solutions (NW) Ltd Planting Plan 1 of 2 and 2 of 2, Drgs. Nos. LDS517-01F & 02E and Landscape Specification LDS517(Rev E)-LS shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees, shrubs, herbaceous plants and grass planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason:-

To ensure the appropriate landscape design and in the interests of the visual and residential amenities of the area.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no further development as specified in Part 1 Class(es) AA, A, B, C, D, E and F or Part 2 Classes A to C shall be undertaken without express planning permission first being obtained from the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area and to protect the residential amenities of neighbouring residents.

5. Within two months of the date of the decision, details of types and colours of all hardsurfacing materials including those of the proposed paths for the shared open spaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:-

In the interests of the character and appearance of the area.

6. Before the development is first brought into use, seating benches and signage for the public open space hereby approved shall be installed in accordance with the with siting and elevation drawings and details of finishing materials to be submitted to and approved in writing by the Local Planning Authority.

Reason:-

In the interests of the amenity value and appearance of the public open space.

7. The boundary fences, hedges and walls hereby approved shall be installed in accordance with the approved drawings in Condition 1 including fencing along the southern boundary of the site to the north side of the existing hedgerow alongside Tenford Lane before any part of the development is brought into use. The bricks used in the boundaries shall match those of the dwellinghouses approved on site.

Reason:-

In the interests of tree and hedge protection and the overall appearance of the development.

8. Notwithstanding the details in the drawings listed in Condition 1, all new boundary hedgerows and trees adjacent to the access road shall be provided in accordance with revised details of species and species mix to be submitted to and approved by the local planning authority.

Reason:-

In the interests of the character and appearance of the area.

9. SUBJECT TO FURTHER ALTERATION VIA NON MATERIAL AMENDMENT APPLICATION NMA 2023 0030: The development hereby approved shall be carried out in accordance with the Staffordshire SuDS Handbook and the approved Drainage Strategy Document (Strategic Drainage Plan, K22-001-002 Rev H, Keytech Development Design Ltd, 25/01/2023) and the following mitigation measures detailed the strategy:

A. An infiltration-based solution for surface water drainage containing the 1 in 100yr + 40% event within the drainage network.

B.-Provision of 3 infiltration basins on the site to a 1 in 1000year standard. With minimum storage volumes of:

Basin 1: 491.5m³

Basin 2: 652.2m³

Basin 3: 602.1m³

C. Provision of landscaping to provide erosion control in infiltration basins and swales as per document LDS517-01 (Rev B), Planting Plan 1 of 2, Landscape Design Solutions (NW) Ltd, 05/01/2023.

D. Provision of bunds around all 3 infiltration basins (to provide extra storage volume) at least 200mm above the top of bank levels of each basin shown in the approved drainage plan.

E. Provision of swales prior to discharge into Infiltration Basins 1 and 2 and a catch pit prior to discharge into Basin 3.

F. A minimum of 2 levels of water treatment for highway drainage.

G. Provision of an amount and configuration of permeable paving either the same as, or demonstrating betterment, in area and water quality treatment than the provision in the approved drawing.

H. Finished Floor Levels to be at least 150mm above surrounding ground levels.

I. Provision of a cut-off drain along the southern boundary of the site to capture residual runoff.

J. Exceedance flows to be managed using ground profiling as outlined in *Flood Exceedance Plan, K22-001-006 Rev E, Keytech Development Design Ltd, 25/01/2023* with all ground slopes being profiled away from property entrances.

Reason:-

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To improve and protect water quality.

10. Prior to the occupation of the development the following shall be incorporated into the development as approved under Condition 10 and in accordance with details to be submitted and approved in writing by the local planning authority:

Provision of a finalised management and maintenance plan to ensure continued performance of the system for the lifetime of the development. Details of the maintenance arrangements should be provided, to include a schedule of activities with frequencies, together with the name and contact details of the party or parties responsible for ongoing maintenance and construction phase maintenance strategy. This should include permeable paving.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason:-

To ensure the long-term management and maintenance of the SuDS infrastructure.

11. The development hereby permitted shall not be brought into use until the parking and turning areas for each individual plot have been provided in accordance with the approved plans PL(0)11 Site Plan Rev F. The parking and

turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.

Reason:-

In the interests of highway safety.

12. No individual plot on the development hereby permitted shall be brought into use until the access to that individual plot has been completed.

Reason:-

In the interests of highway safety.

13. Prior to first occupation of any permitted new dwelling the parking area and turning area for that dwelling shall be surfaced in a bound and porous material for a minimum distance of 5m rear of the highway boundary, which shall thereafter be retained for the life of the development.

Reason:-

In the interests of highway safety.

14. Garages shall be minimum internal dimensions of 3m x 6m in accordance with the approved drawings and shall be retained for the parking of cars and bicycles and shall not be converted to living accommodation without the written approval of the Local Planning Authority.

Reason:-

In the interests of highway safety.

15. Any driveway/parking area of any plot which falls towards the highway shall be constructed with a drainage interceptor sited immediately rear of the highway boundary, with outfall to SUDS or surface water drainage system.

Reason:-

In the interests of highway safety.

16. The development hereby permitted shall not be brought into use until details of the 2.4mx20m visibility splays at internal junctions have been submitted to and approved in writing by the Local Planning Authority. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use.

Reason:-

In the interests of highway safety.

17. Temporary tree protection barriers and advisory notices for the protection of the existing trees and hedges to be retained, in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and as set out in the Braemar Arboriculture Ltd “BS5837 Tree Report” reference BALDS019-21 Rev B dated 14th July 2021 submitted in support of the application hereby approved shall be retained in position for the duration of the period that development takes place, unless otherwise agreed in writing by the Local Planning Authority. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles,

storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

In the interests of the appearance of the site.

18. Before the development is first brought into use, fencing shall be erected around the drainage ponds and to the northern boundary of the site in accordance with drawings and details to be submitted to and approved in writing by the local planning authority.

Reason:-

In the interests of public safety.

19. Prior to the erection of any retaining walls or structures, elevational details shall be submitted to and agreed in writing by the Local Planning Authority and the walls or structures shall be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity

Informatives

1.Developer to ensure that satisfactory arrangements for the control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased, and water quality is managed prior to the completion of the approved drainage strategy.

2.Whilst the proposals are deemed to achieve a Net Biodiversity Gain, SWT recommends that all or parts of the eastern open space area be seeded with a wildflower mix instead of the Germinal Seeds A19 mix as this would provide a net gain closer to 10% which would be good ecology practice.

3. The works required for the proposed internal road network which are to be proposed for highway adoption require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please see <https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx> and contact Staffordshire County Council at road.adoptions@staffordshire.gov.uk to ensure that approvals and exemptions are secured before commencement of works. Due to carriageway widths, the internal roads may not be suitable for adoption (see notes below) In which case exemption under S219 Highways Act 1980 will be required. This estate road and drainage layout will require approval under Section 7 of the Staffordshire Act 1983 and will require an agreement under Section 38 of the Highways Act 1980 if it is to be adopted as 'highway maintainable at public expense'. There are detailed issues that need to be approved in order to achieve technical approval under that process and the developer should be advised to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. The obtaining of planning permission for this design/layout will not be considered as a reason to relax the required technical standards for the adoption of the road and drainage and any

changes may necessitate the submission of further planning applications. If the road is to be private then the residents should be advised that they may be taking on the responsibilities and liabilities of the highway authority with regards to maintenance, snow clearance etc and are advised to take advice on public liability insurance against claims associated with those responsibilities.

4. Informative to advise of Crime Prevention Design Advice measures as provided by Staffs Police Crime Prevention Design Advisor in its consultation response.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.

Site Location Plan

